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EXAMINER

SHAW, PELING A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,723

Applicant(s)

JANIK ET AL.

Examiner

Peling A. Shaw

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/12/02, 05/09/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Priority

1. This application claims benefit of 60/230,084 09/05/2000 and 60/233,839 09/19/2000.

The filing date is September 18, 2001.

Specification Objections

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8, 18-24, 26-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/125,025. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between the two pending

applications are minor wording, which do not change the scope of the invention. Refer to the below observation for obvious variations of limitation in claims 1-8, 18-24, 26-33 of the instant application and claims 1-22 of the pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Pending Application 09/955,723	Instant Application 10/125,025
<p>1. A method comprising:</p> <p>streaming data from a computer system to a personal digital assistant that is part of a webpad having a communication adapter module;</p> <p>receiving the streamed data using the adapter module via wireless transmission; and</p> <p>playing the streamed data on the webpad while simultaneously receiving the streamed data.</p> <p>2. The method of claim 1 wherein the streamed data is ancillary data relating to primary data being played on an audiovisual device.</p>	<p>1. A method comprising:</p> <p>streaming data from a computer system;</p> <p>receiving the streamed data using a wireless interface of a communication adapter module of a personal digital assistant that is part of a webpad; and</p> <p>playing the streamed data on the webpad while simultaneously receiving additional streamed data, wherein at least a portion of streamed data is ancillary data relating to primary data being played on an audio device.</p>
<p>3. The method of claim 1 further comprising:</p> <p>obtaining the data to be streamed from a location using an application on the computer System.</p>	<p>2. The method of claim 1 further comprising:</p> <p>obtaining the data prior to streaming from a location using an application on the computer System</p>
<p>4. The method of claim 3 wherein the application is a system control application on the computer system.</p>	<p>3. The method of claim 2 wherein the application is a system control application on the computer system.</p>
<p>5. The method of claim 4 wherein the location is Internet.</p>	<p>4. The method of claim 3 wherein the location is Internet.</p>

6. The method of claim 4 wherein the location is a database on the computer System.	5. The method of claim 3 wherein the location is a database on the computer system.
7. The method of claim 1 further comprising: inputting information using a user interface on the webpad to provide instructions on what data is to be streamed from the computer system.	6. The method of claim 1 further comprising: inputting information using a user interface on the webpad to specify the data that is to be streamed from the computer system.
8. The method of claim 1 further comprising: manipulating electronic devices using the webpad via wireless transmission.	7. The method of claim 1 further comprising: manipulating the audio device using the webpad via wireless transmission.
18. A method of transferring ancillary data to a webpad comprising: determining information about primary content being played on an audiovisual device using a computer system; obtaining the ancillary data relating to the primary content based on the information ; and automatically sending the ancillary data to the webpad for access therefrom as the primary content is being played on the audiovisual device.	8. A method of transferring ancillary data to a webpad comprising: determining information about primary content being played on an audio device; obtaining the ancillary data relating to the primary content based on the information; and automatically sending the ancillary data to the webpad for access therefrom as the primary content is being played on the audio device.
19. The method of claim 18 wherein determining information about primary content being played on the audiovisual device farther comprises: inputting the information on a user interface on the webpad; and sending the information to a first application on the computer system.	9. The method of claim 8 wherein determining information about primary content being played on the audio device further comprises: inputting the information on a user interface on the webpad; and sending the information to a first application on the computer system.

20. The method of claim 19 wherein obtaining the ancillary data relating to the primary content based on the information includes looking up the ancillary data using a second application on the computer system.	10. The method of claim 9 wherein obtaining the ancillary data relating to the primary content based on the information includes accessing the ancillary data using a second application on the computer system.
21. The method of claim 20 wherein the first application is a system control application.	11. The method of claim 10 wherein the first application is a system control application.
22. The method of claim 21 wherein the second application is an online lookup application.	12. The method of claim 11 wherein the second application is an online lookup application.
23. The method of claim 18 wherein the ancillary data includes a text description of the primary content being played on the audiovisual device.	13. The method of claim 8 wherein the ancillary data includes a text description of the primary content being played on the audio device.
24. The method of claim 18 wherein the ancillary data is additional data relating to the primary content being played on the audiovisual device.	14. The method of claim 8 wherein the ancillary data is additional data relating to the primary content being played on the audio device.
26. The method of claim 18 wherein the audiovisual device is an audio converter device.	15. The method of claim 8 wherein the audio device is an audio converter device.
27. The method of claim 18 wherein the audiovisual device is a stereo.	16. The method of claim 8 wherein the audio device is a stereo.
28. A system comprising: a local area network (LAN); a webpad coupled to the LAN and including an adapter module attached to a personal digital assistant; and a computer system coupled to the LAN, wherein the computers system streams data to the adapter module via a wireless transmission.	17. A system comprising: a local area network (LAN); a webpad communicably coupled to the LAN and including an adapter module attached to a personal digital assistant; and a computer system coupled to the LAN, wherein the computer system streams audio data to the adapter module via a wireless transmission.
29. The system of claim 28 wherein the computer system includes a system control application to determine information about primary content being played on an audiovisual device.	18. The system of claim 17 wherein the computer system includes a system control application to determine information about primary content being played on an audio device.

30. The system of claim 29 wherein the computer system includes an online lookup application to obtain ancillary data relating to the primary content based on the information about the primary content.	19. The system of claim 18 wherein the computer system includes an online lookup application to obtain ancillary data relating to the primary content based on the information about the primary content.
31. The system of claim 30 wherein the ancillary data includes a text description of the primary content being played on the audiovisual device.	20. The system of claim 19 wherein the ancillary data includes a text description of the primary content being played on the audiovisual device.
32. The system of claim 30 wherein the ancillary data is additional data relating to the primary content being played on the audiovisual device.	21. The system of claim 19 wherein the ancillary data is additional data relating to the primary content being played on the audiovisual device.
33. The system of claim 28 wherein the adapter module includes a wireless transceiver.	22. The system of claim 17 wherein the adapter module includes a wireless transceiver.

Claim Rejections – 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 18-24, and 26-33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ikezoye, et al., (U.S. Patent Number 6,834,308), hereinafter referred as Ikezoye.

- a. Regarding claim 1, Ikezoye disclosed a method comprising of streaming data (column 2, line 49-58: content-related information) from a computer system (column 3, line 8-18: lookup server) to a personal digital assistant (column 6, line 15-24, Fig 3, 150: client media player, PDA) that is part of a webpad having a communication adapter

module, receiving the streamed data using the adapter module via wireless transmission (column 7, line 23-35: LAN, wireless connection) and playing the streamed data on the webpad while simultaneously receiving the streamed data (column 10, line 38-41, Fig. 3, 160: display content-related information).

- b. Regarding claim 2, Ikezoye disclosed in additional to the method of claim 1 wherein the streamed data is ancillary data (column 2, line 49-58: content-related information) relating to primary data being played on an audiovisual device (column 1, line 22-25: playing audio or video).
- c. Regarding claim 3, Ikezoye disclosed in additional to the method of claim 1 further comprising of obtaining the data (column 2, line 49-58: content-related information) to be streamed from a location using an application on the computer System (column 3, line 8-18: lookup server).
- d. Regarding claim 4, Ikezoye disclosed in additional to the method of claim 3 wherein the application is a system control application on the computer system (column 8, line 33-38: server engine).
- e. Regarding claim 5, Ikezoye disclosed in additional to the method of claim 4 wherein the location is Internet (column 4, line 22-27: lookup server may be a cluster of servers, column 4, line 46-52: Internet sources).
- f. Regarding claim 6, Ikezoye disclosed in additional to the method of claim 4 wherein the location is a database on the computer System (column 4, line 55-59: conventional storage medium).

- g. Regarding claim 7, Ikezoye disclosed in addition to the method of claim 1 further comprising of inputting information using a user interface on the webpad to provide instructions on what data is to be streamed from the computer system (column 7, line 66-column 8, line 3: user request via commands).
- h. Regarding claim 18, Ikezoye disclosed a method of transferring ancillary data to a webpad comprising of determining information about primary content being played on an audiovisual device using a computer system (column 2, line 49-58: sample media content and compare with what is in a database), obtaining the ancillary data relating to the primary content based on the information (column 2, line 49-58: query and ascertain information), and automatically sending the ancillary data to the webpad (column 6, line 15-24: client media player, PDA) for access therefrom as the primary content is being played on the audiovisual device (column 1, line 17-19 and 22-25: playing audio or video).
- i. Regarding claim 19, Ikezoye disclosed in addition to the method of claim 18 wherein determining information about primary content being played on the audiovisual device farther comprises of inputting the information on a user interface on the webpad (column 7, line 66-column 8, line 3: user request via commands) and sending the information to a first application on the computer system (column 3, line 13-16: media sample is sent to lookup server from media player).
- j. Regarding claim 20, Ikezoye disclosed in addition to the method of claim 19 wherein obtaining the ancillary data relating to the primary content based on the information includes looking up the ancillary data (column 2, line 49-58: content-

related information) using a second application on the computer system (column 3, line 8-18: lookup server).

- k. Regarding claim 21, Ikezoye disclosed in additional to the method of claim 20 wherein the first application is a system control application (column 6, line 2-4: Network Interface 17 for communication with other computers).
- l. Regarding claim 22, Ikezoye disclosed in additional to the method of claim 21 wherein the second application is an online lookup application (column 8, line 33-38: server engine).
- m. Regarding claim 23, Ikezoye disclosed in additional to the method of claim 18 wherein the ancillary data includes a text description of the primary content being played on the audiovisual device (column 8, line 62-64: song title, artist, and album name).
- n. Regarding claim 24, Ikezoye disclosed in additional to the method of claim 18 wherein the ancillary data is additional data relating to the primary content being played on the audiovisual device (column 8, line 64-67: product fulfillment information, such as how and where to purchase media containing the media sample, advertising banners, and/or promotional offers).
- o. Regarding claim 26, Ikezoye disclosed in additional to the method of claim 18 wherein the audiovisual device is an audio converter device (column 3, line 26-29: play audio file via a sound card).

- p. Regarding claim 27, Ikezoye disclosed in additional to the method of claim 18 wherein the audiovisual device is a stereo (column 7, line 51-55: mobile stereo system)
- q. Regarding claim 28, Ikezoye disclosed a system comprising a local area network (LAN), a webpad coupled to the LAN and including an adapter module attached to a personal digital assistant (column 5, line 50-55, column 6, line 15-24, Fig 1: client media player) and a computer system (column 5, line 50-55, Fig 1: lookup server) coupled to the LAN, wherein the computers system streams data to the adapter module via a wireless transmission (column 7, line 23-35: wireless connection).
- r. Regarding claim 29, Ikezoye disclosed in additional to the system of claim 28 wherein the computer system includes a system control application to determine information about primary content being played on an audiovisual device (column 11, line 39-50, Fig. 5: compare media sample with reference samples).
- s. Regarding claim 30, Ikezoye disclosed in additional to the system of claim 29 wherein the computer system includes an online lookup application to obtain ancillary data relating to the primary content based on the information about the primary content (column 11, line 58-61, Fig. 5: retrieve content-related information).
- t. Regarding claim 31, Ikezoye disclosed in additional to the system of claim 30 wherein the ancillary data includes a text description of the primary content being played on the audiovisual device (column 8, line 62-64: song title, artist, and album name).

- u. Regarding claim 32, Ikezoye disclosed in additional to the system of claim 30 wherein the ancillary data is additional data relating to the primary content being played on the audiovisual device (column 8, line 64-67: product fulfillment information, such as how and where to purchase media containing the media sample, advertising banners, and/or promotional offers).
- v. Regarding claim 33, Ikezoye disclosed in additional to the system of claim 28 wherein the adapter module includes a wireless transceiver (column 3, line 19-26, column 7, line 23-27: wireless connection, wireless means).

Ikezoye disclosed all limitations of claims 1-7, 18-24, and 26-33. Claims 1-7, 18-24, and 26-33 are rejected under 35 U.S.C. 102(e).

6. Claims 10, 11 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Eaton, et al., (U.S. Patent Number 6,577,849), hereinafter referred as Eaton.

- a. Regarding claim 10, Eaton disclosed a method of transferring ancillary data to a webpad (column 2, line 60-column 3, line 6, column 7, line 14-17, Fig. 1, 7: personal digital assistant, 110, 600) comprising of determining information (column 3, line 45-48, column 4, line 15-21, column 5, line 10-15: ancillary portion, information address) about primary content being played on a television using a set top box (column 4, line 15-21, Fig, 2, 4: 255), obtaining the ancillary data relating to the primary content based on the information and automatically sending the ancillary data to the webpad (column 8, line 64-67, Fig. 8-9: retrieval of additional information) for access therefrom as the primary content is being played on the television.

- b. Regarding claim 11, Eaton disclosed in additional to the method of claim 10 wherein determining information about primary content being played on a television using a set top box includes determining what channel the television is playing using a first application on the set top box (column 14, line 55-61, Fig 17: local broadcaster identification decoded by the ancillary signal decoder).
- c. Regarding claim 15, Eaton disclosed in additional to the method of claim 10 wherein the ancillary data includes a text description of the primary content being played on the television (column 1, line 8-13, column 6, line 18-24: about a broadcast, information address is a URL to get additional information).
- d. Regarding claim 16, Eaton disclosed in additional to the method of claim 10 wherein the ancillary data is additional data relating to the primary content being played on the television (column 6, line 41-47: additional messages sent periodically).
- e. Regarding claim 17, Eaton disclosed in additional to the method of claim 10 farther comprising displaying the ancillary data on a display on the webpad (column 2, line 60-column 3, line 2, column 10, line 50-57, Fig 7, 9: a selective call device or a pager or a personal digital assistant with display receive additional information).

Eaton disclosed all limitations of claims 10, 11 and 15-17. Claims 10, 11 and 15-17 are rejected under 35 U.S.C. 102(e).

Claim Rejections – 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikezoye, et al., (U.S. Patent Number 6,834,308) as applied to claim 1, hereinafter referred as Ikezoye, in view of Wharton, et al., (U.S. Patent Number 5,831,664), hereinafter referred as Wharton.

- a. As quoted from item a, paragraph 5, Ikezoye shows a method comprising of streaming data (column 2, line 49-58: content-related information) from a computer system (column 3, line 8-18: lookup server) to a personal digital assistant (column 6, line 15-24, Fig 3, 150: client media player, PDA) that is part of a webpad having a communication adapter module, receiving the streamed data using the adapter module via wireless transmission (column 7, line 23-35: LAN, wireless connection) and playing the streamed data on the webpad while simultaneously receiving the streamed data (column 10, line 38-41, Fig. 3, 160: display content-related information).

Ikezoye does not show manipulating electronic devices using the webpad via wireless transmission wherein the electronic devices include at least one of a television, stereo, oven, lights, video camera security devices, video baby monitors, and door lock devices.

- b. Wharton shows manipulating electronic devices (column 3, line 26-54: interactive terminal, television receiver, computer) using the webpad via wireless transmission (column 3, line 26-54: wireless infra-red) wherein the electronic devices include at least one of a television, stereo, oven, lights, video camera security devices, video baby monitors, and door lock devices (column 3, line 26-54, column 4, line 30-35: television receiver, TV) in an analogous art for the purpose of controlling an

interactive terminal or TV with a hand-held mobile device over wireless infra-red interface.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a wireless infra-red interface function in manipulating a television on the personal digital assistant as described in claim 1.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use a personal digital assistant in accessing additional web information on a TV channel and to remotely control the TV considering the size of a personal digital assistant and an ordinary TV remote control, and the need to switch around between these two devices.

Together Ikezoye and Wharton disclosed all limitations of claims 8-9. Claims 8-9 are rejected under 35 U.S.C. 103(a).

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton, et al., (U.S. Patent Number 6,577,849) as applied to claims 10 and 11, hereinafter referred as Eaton, in view of Ikezoye, et al., (U.S. Patent Number 6,834,308), hereinafter referred as Ikezoye.

- a. As quoted from item a, paragraph 6, Eaton shows a method of transferring ancillary data to a webpad (column 2, line 60-column 3, line 6, column 7, line 14-17, Fig. 1, 7: personal digital assistant, 110, 600) comprising of determining information (column 3, line 45-48, column 4, line 15-21, column 5, line 10-15: ancillary portion, information address) about primary content being played on a television using a set top box (column 4, line 15-21, Fig. 2, 4: 255), obtaining the ancillary data relating to the primary content based on the information and automatically sending the ancillary

data to the webpad (column 8, line 64-67, Fig. 8-9: retrieval additional information) for access therefrom as the primary content is being played on the television.

- b. Also as quoted from item b, paragraph 6, Eaton shows wherein determining information about primary content being played on a television using a set top box includes determining what channel the television is playing using a first application on the set top box (column 14, line 55-61, Fig 17: local broadcaster identification decoded by the ancillary signal decoder).
- c. Eaton does not show obtaining ancillary data relating to the primary content based on the information includes looking up the ancillary data using a second application on the set top box, wherein the second application is an online lookup application.
- d. However, Easton shows the first application is a system control application (column 14 line 55-61, Fig 17: local broadcaster identification decoded by the ancillary signal decoder) and the information address can be transferred to a personal computer (column 11, line 51-56: lookup server) to acquire additional information and
- e. Ikezoye shows obtaining ancillary data (column 2, line 49-58: content-related information) relating to the primary content based on the information includes looking up the ancillary data using a second application on the set top box (column 3, line 8-18: lookup server) wherein the second application is an online lookup application (column 8, line 33-38: server engine) in an analogous art for the purpose of getting additional content-related information or channel identification with a look up server.

- f. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add the look up server function in the set top box to get the ancillary data relating to the primary content as described in claims 10 and 11.
- g. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use the address information to look up the ancillary data relating to the primary content within the set top box and pass the ancillary data to the personal digital assistant considering the location, the computing and communication capabilities of set top box.

Together Eaton and Ikezoye disclosed all limitations of claims 12-14. Claims 12-14 are rejected under 35 U.S.C. 103(a).

- 9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikezoye, et al., (U.S. Patent Number 6,834,308) as applied to claim 18, hereinafter referred as Ikezoye, in view of Eaton, et al., (U.S. Patent Number 6,577,849) as applied to claim 10, hereinafter referred as Eaton.

- a. As quoted from item h, paragraph 5, Ikezoye shows a method of transferring ancillary data to a webpad comprising of determining information about primary content being played on an audiovisual device using a computer system (column 2, line 49-58: sample media content and compare with what is in a database), obtaining the ancillary data relating to the primary content based on the information (column 2, line 49-58: query and ascertain information), and automatically sending the ancillary data to the webpad (column 6, line 15-24: client media player, PDA) for access therefrom as the

primary content is being played on the audiovisual device (column 1, line 17-19 and 22-25: playing audio or video).

- b. Ikezoye does not show wherein the audiovisual device is a television.
- c. As quoted from item a, paragraph 6, Eaton shows a method of transferring ancillary data to a webpad (column 2, line 60-column 3, line 6, column 7, line 14-17, Fig. 1, 7: personal digital assistant, 110, 600) comprising of determining information (column 3, line 45-48, column 4, line 15-21, column 5, line 10-15: ancillary portion, information address) about primary content being played on a television using a set top box (column 4, line 15-21, Fig. 2, 4: 255), obtaining the ancillary data relating to the primary content based on the information and automatically sending the ancillary data to the webpad (column 8, line 64-67, Fig. 8-9: retrieval of additional information) for access therefrom as the primary content is being played on the television.
- h. In addition, Easton shows the information address can be transferred to a personal computer (column 11, line 51-56: lookup server) to acquire additional information.
- i. As per item e of paragraph 8, Ikezoye shows obtaining ancillary data (column 2, line 49-58: content-related information) relating to the primary content based on the information includes looking up the ancillary data using a second application on the set top box (column 3, line 8-18: lookup server).
- j. Eaton shows the audiovisual device is a television (column 4, line 15-21, Fig 2: TV monitor) in an analogous art for the purpose of using a PDA to access through a set top box for additional information on a broadcasting television channel.

Art Unit: 2144

- k. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add the look up server function in the set top box to get the ancillary data relating to the primary content played on a television.
- l. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use the address information to look up the ancillary data relating to the primary content (played on a television) within the set top box and pass the ancillary data to the personal digital assistant considering the location, the computing and communication capabilities of set top box.

Together Ikezoye and Eaton disclosed all limitations of claim 25. Claim 25 is rejected under 35 U.S.C. 103(a).

Art Unit: 2144

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pas

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